

RENTON CITY COUNCIL  
Regular Meeting

September 24, 2001  
Monday, 7:30 p.m.

Council Chambers  
Renton City Hall

MINUTES

**CALL TO ORDER**

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF  
COUNCILMEMBERS**

DAN CLAWSON, Council President; KATHY KEOLKER-WHEELER;  
TERRI BRIERE; KING PARKER; DON PERSSON; RANDY CORMAN;  
TONI NELSON.

**CITY STAFF IN  
ATTENDANCE**

JESSE TANNER, Mayor; STEPHANIE DIKEAKOS, Assistant City Attorney;  
MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN,  
Planning/Building/Public Works Administrator; GARRY ANDERSON, Police  
Department; ABDLOUL GAFOUR, Water Utility Supervisor.

**PROCLAMATION**

National Breast Cancer  
Awareness Month – October,  
2001, & National  
Mammography Day - October  
19, 2001

A proclamation by Mayor Tanner was read declaring the month of October,  
2001, to be “National Breast Cancer Awareness Month” and October 19, 2001  
to be National Mammography Day in the City of Renton, recognizing that early  
detection and prompt treatment can significantly reduce suffering and deaths  
caused by this disease.

MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER,  
COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

**APPEAL**

**Planning & Development  
Committee**

Appeal: Montemayor Short  
Plat Appeal (SHP-01-005 &  
AAD-01-005)

Announcing a potential conflict of interest on the next item, Council President  
Clawson excused himself from the meeting. Time: 7:32 p.m.

Planning and Development Committee Chair Keolker-Wheeler presented a report  
regarding the Montemayor short plat appeal (SHP-01-005 & AAD-01-005). The  
Planning & Development Committee convened on September 20, 2001 to  
consider the appeal of the decision of the Hearing Examiner dated June 14, 2001.  
The subject property is located at the northeast corner of Benson Road South and  
SE 29<sup>th</sup> Street. The applicant seeks an approval of a short plat as conditioned by  
City staff.

The applicant appealed the decision of the Hearing Examiner requiring the  
applicant to provide a thirty-five foot (35') half street improvement requiring the  
dedication of the additional land of the right of way known as 106<sup>th</sup> Place SE.  
City staff had recommended approval of the subdivision with only a 20-foot wide  
access road.

**FINDINGS OF FACT**

- 1) Staff recommended use of the existing right of way access through  
20 feet of pavement with a Hammerhead turn around on an easement  
for emergency access. The use of the existing right of way was  
required of the applicant to minimize direct driveways on Benson  
Road. Preliminary drainage plans were approved under the  
Administrative Short Plat Approval. No additional dedication was  
required of the applicant under the staff recommendation.
- 2) 106<sup>th</sup> Place SE, the right-of-way in question is 20 feet in width.

- 3) The Hearing Examiner made reference to a 26-foot private road standard as does staff during questioning. Neither the drainage nor the dedication impact on the developer was addressed.
- 4) The Hearing Examiner's decision reversed the staff decision and required the applicant to provide a "half street" improvement.
- 5) RMC 4-6-060R(2)(b) requires a minimum of 35-foot of right of way, with 28 feet of paving and six feet for curb, gutter and sidewalk on the development frontage for a "half street" improvement.
- 6) Based on the width of 106<sup>th</sup> Place SE and the requirements for a "half street" the applicant would be required to dedicate a minimum of 15 feet to meet the code requirements.
- 7) The applicant's property is located within an R-8 zone.
- 8) The requirement of the Hearing Examiner to dedicate additional land for the "half-street" improvement would reduce the net area of the site and cause the current four lot proposal to exceed the maximum density limitation of the R-8 zone, requiring the project to be redesigned to three lots.
- 9) The record did not indicate whether alternatives such as street vacation were considered.
- 10) The Hearing Examiner's findings do not address how the "half street" will improve any condition caused by this development as required before a dedication can be required.
- 11) The physical constraints of 106<sup>th</sup> Place SE, the subject right-of-way, on its northern exit onto S. 27<sup>th</sup> St. would indicate that the street would most likely never be more than 20 feet wide.

### **CONCLUSIONS OF LAW**

The Committee found that the record as provided is incomplete and, pursuant to RMC 4-8-110F(5) & RMC 4-8-110F(7), this matter should be remanded back to the Hearing Examiner for reconsideration and clarification.

### **RECOMMENDATIONS**

The Committee recommended that the City Council remand this proceeding to the Hearing Examiner for reconsideration and clarification of the following issues:

- 1) Did the Hearing Examiner wish a code compliant "half street" with its attendant 15-foot dedication of additional land required or something less as evidenced by the 26-foot paved access referenced?
- 2) If the Hearing Examiner or this Council allows a 20-foot paved access, can drainage be accommodated by the applicant with the necessary dedication of land?
- 3) Is the current emergency ingress and egress adequate if a 20-foot access is allowed?
- 4) Would a full residential lot be lost if a "half street" were required?
- 5) Given the ultimate limitations of 106<sup>th</sup> Place SE, is the requirement for a

“half street” reasonable?

- 6) How will the installation of a “half street” remedy a problem caused by this subdivision?
- 7) Were any other options, such as street vacation, considered?

The Committee was mindful of the need for a speedy resolution. Therefore, the Committee recommended that the City Council request the Hearing Examiner to place this matter on his calendar as soon as possible.

The Committee recommended that the City Council waive the \$75.00 filing fee should either party of record appeal the subsequent decision of the Hearing Examiner.

MOVED BY KEOLKER-WHEELER, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Council President Clawson returned to the meeting. Time: 7:39 p.m.

## ADMINISTRATIVE REPORT

A written report was read summarizing the City’s recent progress towards goals and work programs adopted as part of its business plan for 2001 and beyond. Items noted included:

- \* The 2001 Fall Recycling Day for Renton residents will be held Saturday, September 29<sup>th</sup> from 9 a.m. to 3 p.m. in the Renton Technical College north parking lot.
- \* Mayor Tanner proclaimed September 29<sup>th</sup> as the Mayors’ Day of Concern for the Hungry, similar to proclamations by mayors in 23 other cities. Donations of healthy food items are to be collected at the Renton Thriftway to benefit the local Salvation Army Food Bank. Food donated at other sites will go to the Emergency Feeding Program. Donations and volunteers will be needed. For more information, call 206-723-0647.
- \* The Recreation Department’s greenhouse program will begin on October 1<sup>st</sup>, providing year-round temperature-controlled gardening for a fee of \$20. The greenhouse is located next to the Senior Center.

## AUDIENCE COMMENT

Citizen Comment: Fraidenburg  
– US Flag Display & Protocol

Shirley Fraidenburg, 3320 Talbot Rd. S., Renton, 98055, read a copy of her letter to the South County Journal expressing concern that the United States flag at Renton City Hall is not displayed 24 hours per day, seven days per week. She and her husband, James, requested that policy be changed so that the flag is displayed around-the-clock, 365 days per year.

Mayor Tanner responded that, while this matter would be taken under consideration, it is important to know that the City follows national flag protocol by displaying the flag exactly as is done at our nation’s Capitol, which is to lower the flag at dusk and raise it in the morning, with proper ceremony and in proper order, in strict conformity to the national standard.

Advancement to Old Business

MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL SUSPEND THE RULES AND ADVANCE TO THE UTILITIES COMMITTEE REPORT REGARDING ALDER/SEWER ASSESSMENT FEE PAYMENT. CARRIED.

## Utility Committee

Utility: Alder – Sewer  
Assessment Fee Payment to

Utilities Committee Chair Briere presented a report regarding a petition from David Alder to authorize time payments associated with special assessment districts. The committee concurred with staff recommendation that this matter be

Connect to City Sewer

referred to the Finance Committee with the following recommendations:

1. The policy should be for payment of any special assessment district charge within the following base criteria and not just address this issue toward the Aberdeen Sewer Assessment.
2. RMC 9-16 should be revised to allow for the payments over time. The code currently requires that payment be made at the time a permit is issued for connection.
3. The time payments should be for special assessment district charges only. Systems development charges and permit fees should be paid at the time of the permit issuance.
4. Time payments should be allowed only for the owner of an existing single-family home. Commercial properties, multi-family properties, and platting or short platting properties for development should trigger the complete payment of fees per code.
5. The first payment should be due at the time of application for the permit, with additional payments due in annual time periods.
6. There should be a minimum special assessment district charge to allow time payments on. It is recommended that the minimum be \$3,000 for the total of the special assessment district fees.
7. There should be a maximum period of time to make payment. It is recommended that five payments, which would total four years (first payment due at connection, second payment due at the end of the first year, etc.) be permitted. Based upon the recommendations for items 6 & 7, the minimum annual payment would be \$600 per year plus interest.
8. This policy cannot apply to private latecomers. Under latecomers agreements, the city is required to collect the fees and pass them on to the developer at the time the property owner connects.

MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR ON THE COMMITTEE REPORT. CARRIED.

Advancement to Old Business

MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL SUSPEND THE RULES AND ADVANCE TO THE UTILITIES COMMITTEE REPORT REGARDING THE NE 7<sup>TH</sup> ST. AND MONROE AVE. NE STORMWATER REPLACEMENT PROJECT FUNDING. CARRIED.

#### **Utility Committee**

Utility: NE 7<sup>th</sup> St/Monroe Ave  
NE Stormwater Replacement  
Project Funding

Utilities Committee Chair Briere presented a report recommending concurrence in the staff recommendation that Council authorize award of the construction contract for the NE 7<sup>th</sup> St. and Monroe Ave. NE Stormwater Replacement Project to the lowest responsive bidder if the following conditions are met: the low bid received on 9/18/2001, was less than \$1,673,000, a value representing the total of the remaining 2001 budget (\$863,000) and proposed 2002 budget (\$810,000); more than one bid was received; and the lowest, responsive bid contained no irregularities. MOVED BY BRIERE, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See Consent Agenda for later action.)

#### **CONSENT AGENDA**

Items on the consent agenda are adopted by one motion which follows the listing.

Council Minutes of September 17, 2001	Approval of Council minutes of September 17, 2001. Council concur.
Appeal: Northward Homes, Inc & Development Services Div, Site Plan & Preliminary Plat Approval (NE 4 <sup>th</sup> St & Union Ave NE), LUA-01-082	City Clerk submitted two appeals of Hearing Examiner's recommendation regarding a request for site plan and preliminary plat approval submitted by Northward Homes, Inc., for a 66-unit townhouse project at NE 4 <sup>th</sup> St. and Union Ave. NE. The appeals, filed by Northward Homes, Inc. and by the City of Renton Development Services Division, were each accompanied by the required fee. Refer to <u>Planning &amp; Development Committee</u> .
CAG: 01-132, ADA Compliant Curb Ramps Project, APUS Services	City Clerk reported bid opening on 9/12/2001 for CAG-01-132, ADA Compliant Curb Ramps project; five bids; engineer's estimate \$39,821.08; and submitted staff recommendation to award the contract to the low bidder, APUS Services, in the amount of \$21,978.00. Council concur.
CAG: 01-157, NE 7 <sup>th</sup> St & Monroe Ave NE Storm System Drainage Project, Ceccanti, Inc.	City Clerk reported bid opening on 9/18/2001 for CAG-01-157, NE 7 <sup>th</sup> St. and Monroe Ave. NE Storm System Drainage Project, 13 bids, engineer's estimate \$1,565,452.48; and submitted staff recommendation to award the contract to the low bidder, Ceccanti, Inc., in the amount of \$1,258,013.75. Council concur.
CAG: 01-158, Maplewood Well Water Main Replacement Phase III, Shoreline Construction Company	City Clerk reported bid opening on 9/19/2001 for CAG-01-158, Maplewood Well Water Main Replacement Phase III project, 7 bids; engineer's estimate \$291,850.56; and submitted staff recommendation to award the contract to the low bidder, Shoreline Construction Co., in the amount of \$208,068.03. Council concur.
CAG: 01-152, Park Lighting Renovation, Duchess Construction	City Clerk reported bid opening on 9/19/2001 for CAG-01-152, Park Lighting Renovation, 10 bids; engineer's estimate \$240,000, and low bid of \$257,579.10 by Duchess Construction, Inc. which was over budget. Refer to <u>Finance Committee</u> .
Planning: Airport Related Uses Zoning Text Amendments (IM Zone)	Economic Development, Neighborhoods and Strategic Planning Department recommended a public hearing be set on 10/8/2001 to consider amendments to Title 4, Development Regulations, creating an Airport District, and related definition and zoning changes to allow airport-related uses in the Industrial-Medium (IM) Zone. Refer to <u>Planning &amp; Development Committee</u> .
Annexation: Lee, Hoquiam Ave NE & NE 9 <sup>th</sup> St	Economic Development, Neighborhoods and Strategic Planning Department recommended a public hearing be set on 10/8/2001 to consider R-8 zoning for the Lee Annexation, 12 acres located in the vicinity of Hoquiam Ave. NE at NE 9 <sup>th</sup> St. Council concur.
Legal: City Clerk & Deputy City Clerk as Agents for Receiving Claims For Damages	Legal Division recommended approval of a resolution appointing the City Clerk and Deputy City Clerk as agents for receiving claims for damages as required by Chapter 119, Laws of 2001. Council concur. (See page 332 for resolution.)  MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.  Regarding the park lighting renovation, Councilwoman Keolker-Wheeler suggested that energy-efficient lighting be considered.
<b>CORRESPONDENCE</b> Citizen Comment: Jones, Miyu, Coe & Thompson – Fireworks Ban	Electronic letters were read from Sarajane Jones, 2311 NE 27 <sup>th</sup> St., Renton, 98056; Raissa Miyu (no address), Jon Coe, (no address) and Jocelyn Thompson (no address), each requesting that fireworks remain legal in Renton.

Citizen Comment: Wiemann –  
Fireworks Ban

Correspondence was read from W. F. Wiemann, 2116 Edmonds Ave. NE, Renton, 98056, endorsing a ban on fireworks in Renton due to noise and fire hazards from illegal fireworks.

Citizen Comment: Browne –  
Kennydale Neighborhood  
Picnic

Correspondence was read from Kim Browne, President of the Kennydale Neighborhood Association, 1211 N. 28<sup>th</sup> Pl., Renton, 98056, thanking the city for making their neighborhood picnic possible in August through the Neighborhood Program Picnic Fund.

**MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL REFER THE FIREWORKS-RELATED CORRESPONDENCE TO THE PUBLIC SAFETY COMMITTEE. CARRIED.**

Citizen Comment: Larson –  
Heritage Hill Renton Plat  
Reconsideration Request

Correspondence was read from Ruth Larson, representative of the Renton Hill Community Association, 714 High Ave. S., Renton, 98055, requesting reconsideration of Council's action on 9/10/2001 approving the Heritage Renton Hill preliminary plat. Also read was a letter written by City Clerk Marilyn Petersen to Ms. Larson clarifying the fact that, according to parliamentary procedure, filing of a motion to reconsider would have been required by 9/17/2001 by a member who voted with the prevailing side.

Citizen Comment: Derham –  
Redistricting Commission  
Plans

Correspondence was read from Richard A. Derham, Redistricting Commission, 524 W. Comstock, Seattle, 98119, stating his intention to adopt Mayor Tanner's proposal of limiting Renton to three Washington State legislative districts, the 11<sup>th</sup>, 41<sup>st</sup> & 47<sup>th</sup>. Mr. Derham's letter also stated that the Commission will hold a public hearing at North Seattle Community College on October 5<sup>th</sup> at 7:00 p.m., plus they will be receiving public comment on the four proposed redistricting plans through the end of October.

**OLD BUSINESS**  
**Finance Committee**  
Finance: Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claim Vouchers 196572 – 197020, and one wire transfer totaling \$1,796,078.00; and 539 direct deposits, payroll vouchers 33999 – 34271, and one wire transfer, totaling \$1,624,650.06. **MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

**ORDINANCES AND  
RESOLUTIONS**

**Resolution #3529**

Legal: City Clerk & Deputy  
City Clerk as Agents for  
Receiving Claims For Damages

The following resolution was presented for reading and adoption:

A resolution was read appointing the City Clerk and Deputy City Clerk as agents to receive claims for damages made under Chapter 4.96 RCW. **MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

**NEW BUSINESS**  
WSDOT: I-405 Corridor  
Program & Draft EIS

Council President Clawson reported that the Washington State Department of Transportation (WSDOT) has announced that the public comment period for the Draft Environmental Impact Statement (DEIS) on the I-405 Corridor Program has been extended from 10/9/2001 to 10/24/2001. Mr. Clawson encouraged the public to review the DEIS at public libraries or on the web page, [www.wsdot.wa.gov/I-405](http://www.wsdot.wa.gov/I-405), and to make comments and suggestions for improving mobility and reducing traffic congestion in the Renton/I-405 corridor. Additionally, Mr. Clawson stated that, along with the I-405/SR 167 Flyover Ramp Ceremony on 9/27/2001 at 9:30 a.m. at the Holiday Inn Select, there will be an open forum on the I-405 Corridor Program and the public is invited to attend.

**AUDIENCE COMMENT**

Citizen Comment: Gasca – I-405 Corridor Program

Melissa Gasca, 7828 S. 113<sup>th</sup> St., Seattle, 98178, expressed agreement with the City's position supporting proposed additional lanes on I-405 to reduce traffic congestion.

Citizen Comment: Fraidenburg – US Flag Display & Protocol

James Fraidenburg, 3320 Talbot Road S, Renton, 98055, inquired as to whether the capitol in Washington D.C. displayed the U.S. flag 24 hours-per-day, seven days-per-week.

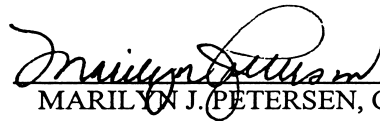
Mayor Tanner responded that the U.S. Capitol does not display the flag around-the-clock, and that even though Renton has proper protocol in place at the present time, the flag display matter will be looked into further. Upon discussion, it was noted that in light of the recent terrorist attacks on our country, a national protocol change might be good to allow perpetual flag display, and that congressional delegates could be contacted to encourage such a national change.

Citizen Comment: Rutherford – Fireworks Ban

Melissa Rutherford, 17634 118<sup>th</sup> Ave. SE, Renton, 98058, expressed concern regarding a possible ban of fireworks in Renton. After discussion, it was **MOVED BY PARKER, SECONDED BY CORMAN TO REFER THE MATTER OF VIABILITY OF A PUBLIC FIREWORKS DISPLAY TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.**

**ADJOURNMENT**

**MOVED BY PARKER, SECONDED BY NELSON, COUNCIL ADJOURN. CARRIED. Time: 8:31 p.m.**



MARILYN J. PETERSEN, CMC, City Clerk